

Remarks

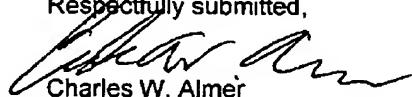
Claims 1 and 3 – 33 are pending in this application. Claims 7, 16 – 21 and 25 -33 are withdrawn. Claims 1, 3 – 6, 8 - 15 and 22 – 24 are rejected in the present Office Action.

Claims 1, 3 – 6, 8 – 10, 12 - 15 and 22 – 24 were rejected under 35 U.S.C. 102(b) as anticipated by, or in the alternative under 35 U.S.C. 103(a) as unpatentable over, U.S. Patent No. 3,875,090, issued to Levy. Levy discloses a high impact, two-part abrasion resistant coating composition comprising a mixture of a partially hydrolyzed vinyl chloride-vinyl acetate copolymer, an alkyd and an isocyanate terminated urethane prepolymer. Applicants reiterate their statements from the response submitted on January 19, 2006 that the present invention is a one-part primer composition that is significantly different than the composition of Levy. However, in order to advance the prosecution of the present application claim 1 has been amended to require between about 5 and 15 weight percent of the functional polymer. There is no disclosure, teaching or suggestion in Levy of such a range of functional polymer. As stated by the Examiner in the Office Action mailed April 7, 2005, "Levy's weight percentage for the functional polymer is off from the range [about 5 to about 15 weight percent] required by the instant claim 11." It is respectfully submitted that Applicants have sufficiently disclosed the weight range of the amended claim 11 to support the amendment to claim 1. As anticipation under 35 U.S.C. 102(b) requires identity of invention, in view of the differences between Levy and the present invention it is respectfully submitted that claims 1, 3 – 6, 8 – 10, 12 - 15 and 22 – 24 are patentable under 35 U.S.C. 102(b) over Levy. Further, there is no disclosure, teaching or suggestion in Levy that would lead one skilled in the art to the one-part primer of the present invention having between about 5 and about 15 weight percent functional polymer. In view of the lack of teaching of a primer having the weight percent functional polymer such as that of the present invention in Levy, it is respectfully submitted that claims 1, 3 – 6, 8 – 10, 12 - 15 and 22 – 24 are patentable under 35 U.S.C. 103(a) over Levy.

Claim 11 was rejected as unpatentable under 35 U.S.C. 103(a) over Levy. Claim 11 has been cancelled.

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance. If there are any issues that the Examiner wishes to discuss, he is respectfully invited to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,



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